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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 TONY WRIGHT,
10 Plaintiff,
11 v.
12 SANDRA CARTER, *et al.*,
13 Defendants.

Case No. C07-5351 FDB/KLS

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

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15 This civil rights action has been referred to United States Magistrate Judge Karen L.
16 Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is
17 Plaintiff's motion for appointment of counsel (Dkt. # 1, Attachment # 2). Having reviewed the
18 motion, the Court finds, for the reasons stated below, that the motion should be denied.

19 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
20 Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding
21 *in forma pauperis*, the court may do so only in exceptional circumstances. *Wilborn v. Escalderon*,
22 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984);
23 *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires
24 an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to
25 articulate his claims *pro se* in light of the complexity of the legal issues involved. *Wilborn*, 789
26 F.2d at 1331.

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28 ORDER - 1

1 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* and has not
2 demonstrated that the issues involved in this case are complex or that he has had any difficulties in
3 expressing them. While Plaintiff may not have vast resources or legal training, he meets the
4 threshold for a pro se litigant. In addition, Plaintiff has also not shown that there is a likelihood of
5 success on the merits. Accordingly, the Court finds that counsel is not necessary in this case.

6 Accordingly, Plaintiff's motion to appoint counsel (Dkt. # 1, Attachment # 2) is **DENIED**.
7 The Clerk is directed to send copies of this Order to Plaintiff.

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9 DATED this 15th day of August, 2007.

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Karen L. Strombom
United States Magistrate Judge